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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Written statement submitted by the American Association of Jurists, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[9 February 1998]

The situation of the judiciary in Peru

1. On 28 August 1997, the President of the American Association of Jurists received a letter from Mr. Vladimir Paz de la Barra, then President of the Lima Bar Association, Peru, which is summarized below.

2. "In Peru, democracy is turning towards dictatorship as a consequence of autocratic acts by the Fujimori Government, such as unconstitutional interference with the prosecution service and the judiciary, deactivating their respective governing bodies in order to replace them with executive committees of a political nature whose members are subordinate to the regime.

3. Through these new authorities of the prosecution service and the judiciary, it is easy for the Government to designate special prosecutors to 'investigate' cases of corruption involving important State figures and to appoint judges to try them 'impartially' and acquit them.

4. In the Congress of the Republic, a decision of the majority belonging to the ruling party removed three judges of the Constitutional Court - Delia Revoredo de Mur, Manuel Aguirre Roca and Guillermo Rey Terry - for having declared unconstitutional and thus inapplicable the Act on presidential re-election that was passed to enable Mr. Fujimori to stand for a third term of office.

5. President Fujimori's power base includes the top-ranking officers of the armed forces and his personal adviser, Vladimiro Montesinos, who established the National Intelligence Service (SIN) - originally intended to fight terrorism but now being used against people who criticize the regime. One female member of SIN who did not want to go on taking part in the agency's illegal activities was found dead, her body cut into pieces, and another who took the same position, Leonor La Rosa, was brutally tortured by her own colleagues. She survived, however, and has described the hellish acts perpetrated in the basement of the army headquarters building.

6. Some 15,000 electoral cards (documents normally held only by civilians) have been discovered in the possession of military personnel and were reportedly used in the elections through which Fujimori obtained his second term of office.

7. [...] The independent media are being threatened and attempts have even been made to wrest the ownership of television Channel 2 from lawyer and businessman Baruch Ivcher, who has been forced for reasons of safety to leave the country. According to Leonor La Rosa, SIN planned to kill the well-known journalist César Hildebrandt, as well as Mrs. La Rosa's lawyer, Heriberto Benítez.

8. The Lima Bar Association has denounced all these acts in order to protect the rule of law. [...] I believe that if our Association continues this campaign in defence of democracy, its leaders will be exposing themselves and their families to the greatest possible risk.

9. We request that the Peruvian Government be called upon to take every step to provide for the safety of the members of the Association's Governing

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10. The letter ends with a call for international solidarity.